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TC 1700

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April 9, 2003

Assistant Commissioner for Patents,  
Washington, D.C. 20231

Attention: Mary Lee, Co-Director of Engineering Group 1700  
Jacqueline Stone, Co-Director of Engineering Group 1700

CC: Donald J. Mischo, care of Keith Frantz,  
401 West State Street, Suite 200,  
Rockford, IL 61101

**Re: Protest under 37 CFR 1.291(a)**

Sir.

This protest refers to:

US patent application publication number: US 2002/0011687 A1

Name of applicant: Donald J. Mischo

Application number: 09/838,043

Filing date of application: 04-18-2001

Title of invention: Methods and operations for recycling asphalt shingle material into shaped products

Group art unit number: 1732

Name of examiner to whom the application is assigned: Stephen J Lechert Jr

Current status of application: Non-final rejection mailed on 02-27-2003

Current location of application: TC1700 Central files CP3-10C24

On April 9, 2003 I spoke by phone with Mr. David L. Lacey at the suggestion of Mr. Stephen Lechert, and presented the situation to him. Mr. Lacey advised me to file a protest and to do it expeditiously because the application might be close to being allowed by Mr. Lechert whose work is materially affected by this protest. Time is therefore of the essence.

I would also draw your attention to the fact that patent application number 09/838.045 under examination by Mr. Tuan N Nguyen is being simultaneously protested on the same grounds as this protest under separate cover.

I must add that provisional patent application number 60/394,787 was filed on 07/11-2002. It is understood that this application may not be cited in a protest. However, the provisional application is based on a reduction to practice first achieved in 1994, and is

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cited as prior art. There was a hiatus from 1994 to 1999 for unrelated reasons, but in that year a full-time and diligent effort was made to complete and test all aspects of the invention in the interest of providing the US patent Office with verified objects and advantages. The expertise gained is the basis on which this protest is being made by those now skilled in the art to prevent the issuance of invalid patents.

Please find in order:

1. Self-addressed postcard
2. Proof of service of papers to Mr. Keith Frantz, being the attorney of Mr. Donald J Mischo
3. Completed fee transmittal form PTO/SB/17
4. Draft in the amount of US\$180.00 being the fee with respect to a submission of information disclosure statement
5. Information disclosure statement PTO/SB/08A with listed items attached
6. Concise explanation of the relevance of each listed item.

Very respectfully,

